

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES ex rel. SANDRA GAUCH, et al.,)

Plaintiffs,)

v.)

LINCARE INC.,)

Defendant.)

C.A. No. 18 Civ. 783 (PGG)

**[PROPOSED] STIPULATION AND ORDER OF SETTLEMENT AND DISMISSAL OF FEE
DISPUTE**

Relators Sandra Gauch and Michelle McNeill (“Relators”) and Defendant Lincare Inc. (“Lincare,” together with Relators, the “Parties”), through their undersigned counsel, hereby stipulate that they have reached a confidential settlement of Relators’ claims to reasonable attorneys’ fees and costs pursuant to 31 U.S.C. § 3730(d), all analogous provisions of state law, and any common law theory of recovery (the “Fee Claims”). Relators and Lincare therefore respectfully request that the Court enter this Stipulation as an Order and dismiss Relators’ Fee Claims with prejudice.

As further grounds for the Stipulation and Order, the Parties state as follows:

1. On February 14, 2024 the Court entered the Stipulation and Order of Settlement and Dismissal in this action (the “Settlement Stipulation”), through which, *inter alia*, the United States and Relators settled and released claims against Lincare arising out of the “Covered Conduct” (as that term is defined in the Settlement Stipulation), on the terms set forth in the Settlement Stipulation.

2. Paragraph 10 of the Settlement Stipulation provides, *inter alia*, “nothing in this Stipulation shall preclude Relators from seeking to recover their reasonable expenses and attorneys’ fees and costs pursuant to 31 U.S.C. § 3730(d) and analogous provisions of state law.”

3. Paragraph 21 of the Settlement Stipulation provides, *inter alia*, “nothing in this Stipulation shall preclude Relators from seeking to recover their expenses or attorneys’ fees and costs from Defendant, pursuant to 31 U.S.C. § 3730(d).”

4. Relators and Lincare have settled Relators’ claims to reasonable attorneys’ fees and costs pursuant to 31 U.S.C. § 3730(d), all analogous provisions of state law, and any common law theory or recovery.

WHEREFORE, in light of the foregoing, Relators Sandra Gauch and Michelle McNeill and Defendant Lincare Inc. respectfully request that the Court enter this Stipulation as an Order and dismiss Relators’ Fee Claims with prejudice.

AGREED TO:

THE RELATORS

Dated: May 21, 2024, 2024
New York, NY

SUSMAN GODFREY LLP



Steven M. Shepard
One Manhattan West, 50th Floor
New York, NY 10001

Attorneys for Relators

LINCARE INC.

Dated: June 20, 2024
Boston, MA

FOLEY & LARDNER LLP



By: Lawrence M. Kraus
111 Huntington Avenue
Boston, MA 02199

Attorneys for Lincare Inc.

SO ORDERED

HON. PAUL G. GARDEPHE
UNITED STATES DISTRICT JUDGE

Dated: _____, 2024